4200/06
P.R. No.
Presented by Shri Suresh Tandon
dated 21/3/06

SINGLE BENCH

4

(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 412 /2006

PETITIONER

Nand kishore

S/o Brij Lal, Aged about 41½ years, R/o Village Jhalmala, Post Admabad, Tehsil Balod District Durg (C.G)

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
   Through the Secretary
   Public Works Department,
   Mantralaya, D.K.S. Bhawan
   Raipur (C.G)
2. Engineer in Chief ,
   Public Works Department, Raipur
   (C.G)
3. Chief Engineer,
   Public Works Department, Raipur
   (C.G)
4. Executive Engineer,
   Public Works Department,
   Balod Division, District Durg
   (C.G)

RE[illegible]TED-COPY
21/8/06
CLE[illegible]A. G. BILASPUR

OATH COMMISSIONER
S.R. Kaushik
BILASPUR TAHSIL AREA

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4121/06 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10-8-2006

Mr. Satyendra Sahu, counsel for the petitioner.

Mrs. Anju Ahuja, Deputy Govt. Advocate for the State/respondents, on advance copy.

Heard both the counsel.

Main grievance raised by the petitioner in this writ petition under Article 226/227 of the Constitution of India is that his father was working as Semi Skilled permanent Gangman under respondent No.4 and he died in harness on 12-12-1998 while in service. His father had already completed 25 years of service on 31-12-1988. On the death of his father, the petitioner applied for compassionate appointment, his application was allowed and he was appointed on compassionate ground on 15-4-1999 as daily wage labourer, whereas, the petitioner ought to have been appointed as Work Charged Employee as per the policy enforceable in the year 1998-99.

Learned counsel for the petitioner argued that as per clause 5 (10) of the policy in force at the time of appointment of the petitioner, the petitioner was entitled for appointment on compassionate ground as Work Charged Contingency Paid Employee and the same has not been considered by the respondents. Even it is evident from Annexure P-6, the order passed by the Assistant Labour Commissioner, Durg, that the Chief Engineer of the Public Works Department is entitled to pass order regarding compassionate appointment and he is entitled to amend the order. In the circumstances, learned counsel submitted that the petitioner may be allowed to make a representation to respondent No.3 and respondent No.3 be directed to

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P.4121/... सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

consider the case of the petitioner in accordance with the policy in force at the time of his appointment and decide the same to which learned counsel appearing for the State/respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the prayer made by learned counsel for the petitioner is just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation to respondent No.3 raising all his grievances within fifteen days from today along with a copy of this petition, and in turn, respondent No.3 is directed to decide the representation within three months from the date of its receipt after considering the points raised by the petitioner, in an objective manner, in accordance with the policy for compassionate appointment which was in force in the year 1998-99, particularly taking into account sub-clause (10) of clause 5 of the policy.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

P.T.O.